

Appl. No. 09/246,578  
Amdt. Dated MM/DD/YYYY  
Reply to Office Action of July 30, 2003

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed July 30, 2003. In the Office Action, claims 1-20 were rejected under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claims 1-20 remain in this application.

***Rejection Under 35 U.S.C. § 103***

1. Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,084,956 issued to Turner et al. ("Turner") in view of U.S. Patent No. 6,070,192 issued to Holt et al. ("Holt"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143, p. 2100-124 (8<sup>th</sup> Ed., rev. 1, Feb. 2003). Applicants respectfully contend that there is no suggestion or motivation to combine their teachings. Hence, no *prima facie* case of obviousness has been established.

More specifically, Turner disclosed an SS7 mediation for data network call setup and services interworking. An appropriate response message is sent to reflect the call state and status of trunk resource used for the call (Turner, col. 8, lines 13-15). A message processing function either sends a control message to the Network Access Server (NAS) or send directly a CCS7 response message (Turner, col. 8, lines 25-28).

Holt disclosed a control in a data access transport service. A Network Access Server (NAS) connects to a digital signal processing network gateway via a data network (Holt, col. 9, lines 33-35). The gateway provides a tunneling protocol termination on the DSP side. If a

Appl. No. 09/246,578

Amdt. Dated MM/DD/YYYY

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network failure condition exists, the NAS sends an indication to the network controller (NC) requesting a new network gateway allocation (Holt, col. 11, lines 41-44).

In contrast, the claimed invention features, *inter alia*, a method and apparatus to (1) send a status message to a gateway, the gateway ... to transmit signaling information between the telephone switch and the access server (claims 1, 14 and 20), (2) acknowledge the access server that the status message was received (claims 1, 14 and 20), or (3) send a continuity check message from a gateway to an access server (claim 12).

First, the response message in Turner is not a status message from an access server to a gateway. It is merely used to reflect the call state and status of trunk resource. Second, the gateway disclosed by Holt is not used to transmit signaling information between a telephone switch and an access server. In addition, the indication is sent from the network access server (NAS) to the network controller (NC), not from the server to a gateway (Holt, col. 12, lines 64-67). Third, neither Turner nor Holt, alone or in combination, discloses sending an continuity check message as recited in claim 12.

In view of the above, Applicants respectfully request the Examiner withdraw the rejection of claims 1-20 under 35 U.S.C. § 103(a).

82771P269

Application No.: 09/246,578

8 of 9

WWS/NDN/phs

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NO. 9824 P. 14

Appl. No. 09/246,578  
Amdt. Dated MM/DD/YYYY  
Reply to Office Action of July 30, 2003

**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: December 1, 2003

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82771P269

Application No.: 09/246,578

9 of 9

WWS/NDN/phs